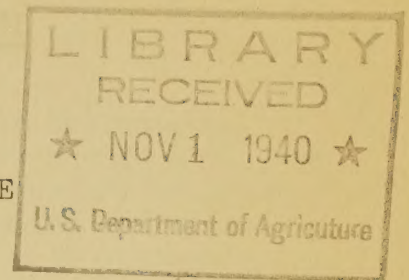


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St. Louis

Docket No. A-137

UNITED STATES DEPARTMENT OF AGRICULTURE
SURPLUS MARKETING ADMINISTRATION



DAIRY DIVISION
Washington, D. C.

TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED,
REGULATING THE HANDLING OF MILK IN THE
ST. LOUIS, MISSOURI,
MARKETING AREA

Dated: October 17, 1940

Washington, D. C.

INSTRUCTIONS FOR SIGNING MARKETING AGREEMENT

(Please read carefully before signing)

Handlers of milk who wish to enter into the Marketing Agreement, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area with the Secretary of Agriculture should fill in and sign in accordance with the following instructions:

1. The agreement should be signed in the space provided for the signer's signature and address in section 903.16 just below section headed "Signature of parties." The type of business organization which you represent, whether corporation, partnership, or individual, should be indicated with your signature. If your business is organized as a corporation you should be sure to impress the corporate seal at the left of your signature.

2. The record of milk handled during the month of June 1940 should be properly certified as indicated on page 15.

3. The authorization to correct typographical errors on page 16 should be signed.

4. If your business is a corporation the board of directors should pass a resolution, in the form attached to the agreement on page 16, authorizing the signing of this agreement.

5. In the case of partnerships and corporations the agreement should be signed by persons authorized to represent the same, such authorization to be indicated.

When the above procedure has been completed the agreement should be returned to Fred L. Shipley, 4030 Chouteau Avenue, St. Louis, Missouri.

MARKETING AGREEMENT, AS AMENDED, REGULATING THE
HANDLING OF MILK IN THE ST. LOUIS,
MISSOURI, MARKETING AREA

Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, (50 Stat. 246), the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, would tend to effectuate the declared policy of said act, gave, on the 17th day of July 1940, notice of a public hearing to be held at St. Louis, Missouri, which hearing was held on the 25th and 26th days of July 1940 on amendments to said marketing agreement and said order, and at said times and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendments to the said marketing agreement and said order; and

Whereas, the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

NOW, THEREFORE, the parties signatory hereto (said parties being the handlers and the Secretary) agree that:

Section 903.1 Definitions. (a) Terms. The following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246).

(2) The term "Secretary" means the Secretary of Agriculture of the United States.

(3) The term "St. Louis marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of St. Louis, Kirkwood, and Valley Park, Missouri; the territory within St. Ferdinand, Normandy, Clayton, Jefferson, and

Carondelet townships in St. Louis County, Missouri; and the territory within East St. Louis, Centerville, Canteen, and Stites townships in St. Clair County, Illinois.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether any such person is also a handler, who produces milk in conformity with, or subject to, the health requirements applicable for milk to be sold for consumption as milk in the marketing area.

(6) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(7) The term "market administrator" means the person designated pursuant to Sec. 903.2 as the agency for the administration hereof.

(8) The term "delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

Sec. 903.2 Market administrator. (a) Selection, removal, and bond. The market administrator shall be selected, and shall be subject to removal at any time, by the Secretary. Within 45 days following the date upon which he enters upon his duties, the market administrator shall execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Compensation. The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) Powers. The market administrator shall have power;

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

(d) Duties. The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Furnish to the market advisory committee, when the same has been duly constituted, factual information in the form of general statements: Provided, That such statements shall not identify the information furnished to the market administrator by any person;

(7) Publicly disclose to handlers and to producers, unless otherwise directed by the Secretary, the name of any handler who, within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to Sec. 903.5 and (b) made payments pursuant to Sec. 903.8; and

(8) Pay, out of the funds provided by Sec. 903.9, (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (b) his own compensation, and (c) all other expenses which will necessarily be incurred for the maintenance and functioning of his office and for the performance of his duties.

Sec. 903.3 Classification of Milk. (a) Basis of classification. Milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) Classes of utilization. The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk containing not less than one-half of 1 percent of butterfat and all milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk specifically accounted for (a) as actual plant shrinkage, but not to exceed 3 percent of the total receipts of milk from producers and (b) as being used or

disposed of in any form other than as milk containing not less than one-half of 1 percent of butterfat.

(c) Interhandler sales. All milk disposed of as milk by a handler to another handler shall be apportioned to each class in the proportions that the quantity of milk disposed of in each class by the receiving handler bears to the total quantity of milk received by him, as reported pursuant to Sec. 903.5(a), except that if the receiving handler has failed to submit the report required by Sec. 903.5(a) prior to the time the uniform price of the selling handler is computed, pursuant to Sec. 903.7, such milk shall be apportioned to each class in the proportions that the total quantity of milk disposed of in each class by all handlers, who have made the reports required by Sec. 903.5(a) bears to the total quantity of milk received by such handlers; and milk disposed of by a handler to a milk distributing or manufacturing plant of a person not a handler, which plant is located outside the marketing area, or to a plant, wherever located, engaged only in the manufacturing of milk products shall be classified as Class I milk, except that if the selling handler, on or before the date fixed for filing reports pursuant to Sec. 903.5(a), furnishes to the market administrator a statement, which is signed by the purchaser and the selling handler, that such milk was used as Class II milk, such milk shall be classified accordingly, subject to verification by the market administrator.

(d) Source of Class I milk. The milk which was disposed of by each handler as Class I milk shall be presumed to have been that milk which was delivered to such handler at plants within and nearest to the marketing area.

(e) Computation of milk in each class. For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: Add together (a) the hundredweight of milk received from producers, (b) the hundredweight of milk produced by him, if any, and (c) the hundredweight of milk received from handlers, if any.

(2) Determine the hundredweight of Class I milk as follows: (a) convert to gallons the quantity of milk disposed of in the form of milk and multiply by 0.086, and (b) if the hundredweight of milk so computed when added to the hundredweight of Class II milk, computed pursuant to subparagraph (3) of this paragraph, is less than the total hundredweight of milk computed in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the hundredweight of milk determined pursuant to (a) of this subparagraph.

(3) Determine the hundredweight of Class II milk as follows:

- (a) multiply the hundredweight of milk computed pursuant to subparagraph (1) of this paragraph by the average butterfat test thereof,
- (b) multiply the hundredweight of Class I milk computed pursuant to (a) of subparagraph (2) of this paragraph by the average butterfat test thereof,
- (c) subtract the hundredweight of Class I milk, computed pursuant to (a) of subparagraph (2) of this paragraph, from the hundredweight of milk, computed pursuant to subparagraph (1) of this paragraph,
- (d) subtract the pounds of butterfat computed pursuant to (b) of this subparagraph from the pounds of butterfat computed pursuant to (a) of this subparagraph,
- (e) divide the quantity of butterfat computed pursuant to (d) of this subparagraph by the hundredweight of milk computed pursuant to (c) of this subparagraph,
- (f) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, and add together the resulting amounts,
- (g) divide the resulting sum by the average test of Class II milk computed pursuant to (e) of this subparagraph, and
- (h) add together the hundredweight of milk computed pursuant to (g) of this subparagraph and the hundredweight of milk allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of milk from producers).

(4) Determine the classification of milk received from producers, as follows:

(i) Subtract from the hundredweight of milk in each class the hundredweight of milk received from other handlers and apportioned to such class in accordance with paragraph (c) of this section.

(ii) In the case of a handler who also distributes milk of his own production, subtract from the hundredweight of milk in each class a further amount computed in accordance with Sec. 903.6.

Sec. 903.4 Minimum class prices. (a) Class I prices. Except as set forth in paragraph (c) of this section, each handler shall pay at the time and in the manner set forth in Sec. 903.8, for Class I milk, not less than the following prices:

(1) In the case of milk received at such handler's plant located in the marketing area, \$2.24 per hundredweight for each delivery period prior to December 1940, and for each delivery period subsequent to November 30, 1940, the price as shown in the schedule below for the butter price range in which falls the average wholesale price of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received: Provided, That for Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than such Class I price less 46 cents per hundredweight.

Class I price			
Butter price range	March through June	July through November	December through February
<u>Cents per pound</u>	<u>Dollars per cwt.</u>	<u>Dollars per cwt.</u>	<u>Dollars per cwt.</u>
Under 25	2.14	2.34	2.24
25 or over, but under 28	2.24	2.44	2.34
28 or over, but under 31	2.34	2.54	2.44
31 or over, but under 34	2.44	2.64	2.54
34 or over, but under 37	2.54	2.74	2.64
37 or over, but under 40	2.64	2.84	2.74
40 and over	2.74	2.94	2.84

(2) In the case of milk received at such handler's plant located outside the marketing area, the price per hundredweight determined in subparagraph (1) of this paragraph less the amount specified for the airline distance of such plant from the City Hall in St. Louis, as follows: within 5 miles, 4 cents; more than 5 miles but not in excess of 10 miles, 8 cents; more than 10 miles but not in excess of 15 miles, 12 cents; more than 15 miles but not in excess of 20 miles, 16 cents; more than 20 miles but not in excess of 30 miles, an additional 2 cents; more than 30 miles but not in excess of 40 miles, an additional 2 cents; and for each additional 10 miles in excess of 40 miles an additional 1 cent.

(b) Class II prices. Each handler shall pay at the time and in the manner set forth in Sec. 903.8, for Class II milk, not less than the following prices:

(1) In the case of milk received at such handler's plant located in the marketing area, the price per hundredweight which results from the following computation by the market administrator: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 30 percent thereof and add 19 cents; Provided, That for the delivery periods of July, August, September, October, and November in each year subsequent to 1940, such price shall be increased by 10 cents per hundredweight;

(2) In the case of milk received at such handler's plant located outside the marketing area, the price determined pursuant to subparagraph (1) of this paragraph less 15 cents; and

(3) In the case of milk used by the handler for evaporated milk in hermetically sealed containers or disposed of by the handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, the price shall be that determined by the market administrator in accordance with the formula set forth in section 1 of article VI of the Marketing Agreement and License for the Evaporated Milk Industry, issued by the Secretary May 31, 1935.

(c) Sales outside the marketing area. The price to be paid by handlers for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be, as ascertained by the market administrator, such price as is being paid to farmers in the market where such milk was disposed of, for milk of equivalent use, subject to a reasonable adjustment on account of transportation with respect to Class I milk moved from the handler's plant in the marketing area to the plant outside the marketing area where such milk was loaded on wholesale and retail routes.

(d) Publication of Class II price. On or before the 2d day after the end of each delivery period, the market administrator shall publicly announce the Class II price in effect for such delivery period.

Sec. 903.5 Reports of handlers. (a) Periodic reports. On or before the 5th day after the end of each delivery period, each handler shall, with respect to milk or cream handled by him during such delivery period, report to the market administrator, in the detail and form proscribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The quantity, if any, produced by the handler;

(4) The receipts at each plant from any other source; and

(5) The respective quantities of milk which were used or disposed of, including sales to other handlers, for the purpose of classification pursuant to Sec. 903.3.

(b) Reports as to producers. Each handler shall report to the market administrator.

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days on which deliveries were made.

(2) As soon as possible after first receiving milk from any producer (a) the name and address of such producer and (b) the date on which such milk was first received.

(3) As soon as possible after the date on which the handler stops receiving milk from any producer (a) the name and address of such producer and (b) the date on which the milk of such producer was last received.

(4) On or before the 10th day after the request of the market administrator a schedule which will show transportation rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant or plants.

(5) On or before the 10th day after any changes are made in the schedule filed in accordance with subparagraph (4) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(6) On or before the 5th day after the end of each delivery period, the amount and category of any payments to be made pursuant to Sec. 903.8(e) with respect to milk received during such delivery period.

(c) Report of payments to producers. Each handler shall submit to the market administrator, within 20 days after the end of each delivery period, his producer pay roll, or a report, which shall show, for such delivery period and for each and every producer, (a) his total delivery of milk with the average butterfat test thereof, and (b) the net amount of the payment made to him with the prices, deductions, and charges involved.

(d) Verification of reports. Each handler shall permit the market administrator or his representative, during the usual hours of business, to (a) verify the information contained in reports submitted by such handler pursuant to this section, and (b) weigh and sample milk, and test milk for butterfat.

If, in the verification of the report of purchases and sales of the handler for any previous delivery period, the market administrator finds that differences occur between the reported and actual quantities of milk received or between the reported and actual quantities of milk disposed of in each class, he shall make an adjustment in the following manner: (a) recompute for such handler his class use value of milk for the delivery period for which the report of purchases and sales of milk is being verified, after making the adjustments for the differences in such reported and actual quantities of milk, and (b) add to, or subtract from, the uniform price of milk in the current pool for such handler, computed pursuant to Sec. 903.7(b), an amount representing the per hundredweight value of milk accounted for by such adjustment, such addition to, or subtraction from, the current pool to be separately set forth in such manner as to clearly state the amount of the adjustment for each delivery period or delivery periods verified pursuant to this paragraph.

(e) Reports on milk sold outside the marketing area. Each handler shall report, on or before the 5th day after the end of each delivery period, the disposition of Class I milk outside the marketing area, as follows: (a) the amount of such milk, (b) the date or dates of such disposition, (c) the point of use, (d) the plant from which such milk was shipped, and (e) such other information with respect thereto as the market administrator may request.

Sec. 903.6 Handlers who are also producers. (a) Milk purchased or received from producers. In the case of a handler who is also a producer and has purchased or received milk from producers, the market administrator shall, in the computations set forth in Sec. 903.7, first exclude the milk purchased or received by him in each class from other handlers and then apportion the milk purchased or received by him from producers to each class according to the ratio which such handler's remaining total sales in each class bears to his remaining total sales in all classes.

Sec. 903.7 Determination of uniform prices to producers. (a) Computation of the value of milk for each handler. For each delivery period the market administrator shall compute, subject to the provisions of Sec. 903.6, the value of milk of producers disposed of by each handler, by (a) multiplying the hundredweight of such milk in each class, computed pursuant to Sec. 903.3(c), by the price applicable pursuant to Sec. 903.4, and (b) adding together the resulting values of each class.

(b) Computation and announcement of uniform price for each handler. The market administrator shall compute and announce for each handler the uniform price per hundredweight of milk received by him from producers during each delivery period as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the amount of the adjustment to be made pursuant to Sec. 903.8(d);

(2) Divide the amount computed in paragraph (a) of this section by the total quantity of milk received from producers;

(3) On or before the 10th day after the end of each delivery period, notify each handler of the uniform price computed for him; and

(4) On or after the 15th day after the end of each delivery period, publicly announce the uniform price computed for each handler pursuant to this section with the differentials applicable pursuant to Sec. 903.8(d).

Sec. 903.8 Payment for milk. (a) Time and method of payment. On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (c) of this section, to each producer, for the total value of milk received from such producer during such delivery period, at not less than the uniform price per hundredweight computed for such handler pursuant to Sec. 903.7, subject to the location differentials set forth in paragraph (d) of this section.

(b) Errors in payment. Errors in making the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(c) Butterfat differential. If any handler has received from any producer, during the delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to paragraph (a) of this section, shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than, the following amount:

3 cents, if the average butter price used in Sec. 903.4(a)(1) is less than 30 cents per pound;

3.5 cents, if the average butter price used in Sec. 903.4(a)(1) is 30 cents per pound or over, but under 35 cents per pound;

4 cents, if the average butter price used in Sec. 903.4(a)(1) is 35 cents per pound or over, but under 40 cents per pound;

4.5 cents, if the average butter price used in Sec. 903.4(a)(1) is 40 cents per pound or over.

(d) Location differentials. In making payments pursuant to paragraph (a) of this section, each handler shall deduct, with respect to milk received from producers at a plant located outside the marketing area, the amount per hundredweight specified for the airline distance of such plant from the City Hall in St. Louis as follows: Within 5 miles, 4 cents; more than 5 miles but not in excess of 10 miles, 8 cents; more than 10 miles but not in excess of 15 miles, 12 cents; more than 15 miles but not in excess of 20 miles, 16 cents; more than 20 miles but not in excess of 30 miles, an additional 2 cents; more than 30 miles but not in excess of 40 miles, an additional 2 cents and for each additional 10 miles in excess of 40 miles, an additional 1 cent.

(e) Additional payments. Any handler may make payments to producers in addition to the payments to be made pursuant to paragraph (a) of this section. Provided, That such additional payments shall be made on a uniform basis to all producers from whom milk meeting special quality, volume production, or evenness of production standards has been received.

Sec. 903.9 Expense of administration. (a) Payments by handlers. As his prorata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or an association of producers, or produced by him during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary. Each handler, who is a cooperative association of producers, shall pay such prorata share of expense only on that milk received from producers at any plant of such association.

(b) Suits by market administrator. The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

Sec. 903.10 Marketing services. (a) Deductions for marketing services. Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payment made to each producer pursuant to Sec. 903.8(a) with respect to all milk of such producer received by such handler during the delivery period, and shall pay such deduction to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall

be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Producers' cooperative associations. In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall make the deductions from the payments made pursuant to Sec. 903.8(a) which are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative associations rendering such services of which such producers are members.

Sec. 903.11 Unfair methods of competition. Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of this marketing agreement.

Sec. 903.12 Market advisory committee. (a) Representation, selection, approval, and removal. Subsequent to the effective date of this marketing agreement, representatives of producers, handlers and consumers, respectively, may certify to the Secretary the selection of three individuals by each group for membership on the market advisory committee. Upon approval of the Secretary, the nine individuals so selected shall constitute the market advisory committee. Each member of the market advisory committee shall serve for a term of 1 year unless sooner removed by the Secretary. After the market advisory committee has been constituted, vacancies in the membership thereof shall be filled in the same manner as the original selections were made.

(b) Powers. The market advisory committee shall have the power to recommend to the Secretary amendments to this marketing agreement originating within itself or submitted to it by interested parties, after a study of the facts available to the market advisory committee.

Sec. 903.13 Effective time, suspension, and termination of marketing agreement. (a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) Termination of marketing agreement. The Secretary may terminate this agreement whenever he finds that this agreement obstructs or does not tend to effectuate the declared policy of the act. This agreement shall, in any event, terminate whenever the provisions of the act authorizing its cease to be in effect.

(c) Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Sec. 903.14 Liability. (a) Liability of handlers. The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Sec. 903.15 Counterparts and additional parties. (a) Counterparts of marketing agreement. This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) Additional parties to marketing agreement. After this agreement first takes effect, any handler may become a party to this agreement if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting parties at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

Sec. 903.16 Signature of parties.

IN WITNESS WHEREOF, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise have hereunto set their respective hands and seals.

Signature

By _____

Name

Title

Address _____

Attest _____

Date

RECORD OF MILK HANDLED
DURING THE MONTH OF JUNE 1940

The undersigned certifies that to the best of his knowledge, as shown by his books and records, he handled during the month of June 1940 _____ hundredweight of milk covered by this agreement and marketed within the St. Louis, Missouri, marketing area.

SEAL _____

(Signed)

By _____

_____, being duly sworn, deposes and says that he has read the foregoing statement by him subscribed and knows the contents thereof and that the same are true and correct to the best of his knowledge and belief.

Notary Public

AUTHORIZATION TO CORRECT TYPOGRAPHICAL
ERRORS TO BE EXECUTED BY ALL SIGNERS

We, the undersigned, hereby authorize O. M. Reed to consent on our behalf to the correction of any typographical errors which may have been made in the marketing agreement, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

_____	_____
Date	Firm name

Name	Title - Seal
	(If corporation)

Corporation only
CERTIFICATE OF RESOLUTION

At a duly convened meeting of the board of directors of

_____ held at _____

_____ on the _____ day of _____ 1940

the following resolution was adopted:

RESOLVED, that _____
shall become a party to the marketing agreement, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, as read and explained to the meeting, and it is further

RESOLVED, that _____ (title)

and _____ (title)

be, and hereby are authorized and directed to sign, execute, and deliver a counterpart of said agreement attached hereto, to the Secretary of Agriculture, together with an authorization naming O. M. Reed to correct typographical errors.

I, _____, Secretary of _____
do hereby certify that this is a true and correct copy of a resolution adopted at the above-named meeting, as said resolution appears in the minutes thereof.

Address of firm SEAL

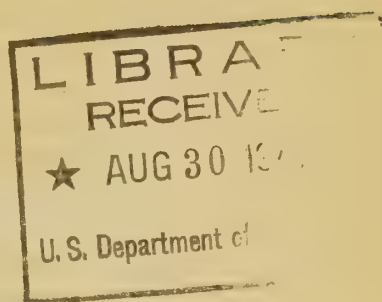
AND SEAL AT SIGNATURE LINE IN BODY OF AGREEMENT

1.94
D14Ma
St. Louis

Docket No. AO 10-A 7

UNITED STATES DEPARTMENT OF AGRICULTURE
SURPLUS MARKETING ADMINISTRATION
DAIRY DIVISION

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL
TO AMEND THE TENTATIVELY APPROVED MARKETING
AGREEMENT, AS AMENDED, AND ORDER NO. 3, AS
AMENDED, REGULATING THE HANDLING OF MILK IN
THE ST. LOUIS, MISSOURI, MARKETING AREA,
INCLUDING AMENDMENTS TO THE MARKETING AREA
TO INCLUDE THE SCOTT FIELD MILITARY
RESERVATION



Notice is hereby given of a hearing to be held in the
Coronado Hotel, Spring and Lindell Avenue, St. Louis,
Missouri, beginning at 9:30 a.m., c.s.t., September 8, 1941,
with respect to proposed amendments to the tentatively
approved marketing agreement, as amended, and Order No. 3,
as amended, regulating the handling of milk in the St. Louis,
Missouri, marketing area.

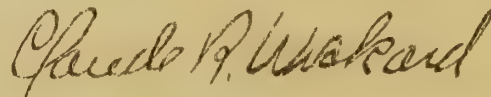
This notice is given pursuant to the provisions of
Public Act No. 10, 73d Congress, as amended and as reenacted
and amended by the Agricultural Marketing Agreement Act of
1937, as amended, and of the General Regulations, Series A,
No. 1, as amended, of the Agricultural Adjustment Administra-
tion, United States Department of Agriculture.

This public hearing is for the purpose of receiving
evidence on proposed amendments submitted by the Sanitary
Milk Producers' Association, the Market Administrator in
St. Louis, and the Dairy Division, Surplus Marketing
Administration, United States Department of Agriculture, to
(1) revise the present boundaries of the marketing area so
as to include Scott Field Military Reservation; (2) change
the basis for the classification of Class I and Class II
milk; (3) add to Sec. 903.3(c) the provision that this
paragraph shall not be construed to prevent the classifica-
tion of Class II of the total quantity of milk purchased
by a handler from another handler, provided such total
quantity is actually used as Class II; (4) revise the price
of Class I and Class II milk by changing the formula from
one based upon butter prices to one based upon the average
price paid by condenseries in the area plus a premium over;
(5) adjust the price to be paid by handlers for milk used
in the manufacture of evaporated milk placed in hermetically
sealed containers; (6) require handlers to pay the same
price for milk sold in markets where the market administrator

cannot determine the price being paid for milk of equivalent use, including milk disposed of to Government institutions and establishments on a basis of bids, as for milk sold in the marketing area; (7) revise the butterfat differential; and (8) redraft other sections of the order, as amended, which otherwise would be inconsistent with such proposed amendments.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.



Secretary of Agriculture

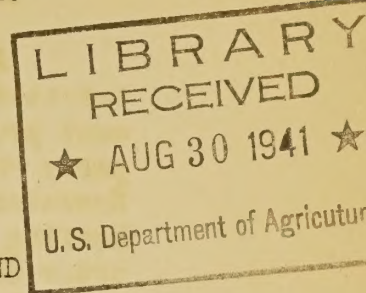
Dated: August 25, 1941

Washington, D. C.

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D14Ma
St. Louis
Docket No. AO 10-47

Notice of hearing signed by
the Secretary of Agriculture
August 25, 1941.

UNITED STATES DEPARTMENT OF AGRICULTURE
SURPLUS MARKETING ADMINISTRATION
DAIRY DIVISION
Washington, D. C.



PROPOSED AMENDMENT TO ORDER NO. 3, AS AMENDED, AND
TO THE TENTATIVELY APPROVED MARKETING AGREEMENT,
AS AMENDED, REGULATING THE HANDLING OF MILK IN THE
ST. LOUIS MARKETING AREA, UPON WHICH THE SECRETARY
OF AGRICULTURE HAS ISSUED NOTICE OF HEARING UNDER
THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

The Sanitary Milk Producers' Association has presented the Secretary with a petition for a public hearing on certain proposed amendments to Order No. 3, as amended, and to the tentatively approved marketing agreement, as amended, regulating the handling of milk in the St. Louis marketing area. The proposed amendments suggested by such producers' association, the market administrator, and the Dairy Division, United States Department of Agriculture, are set forth below.

The Agricultural Marketing Agreement Act of 1937 authorizes the Secretary of Agriculture, after due notice of and opportunity for hearing, to amend marketing agreements and orders applicable to processors, producers, associations of producers, and others engaged in the handling of milk and its products in the current of interstate or foreign commerce. This act also authorizes the Secretary of Agriculture to issue orders complementary to orders of the States, to cooperate fully with the States in their programs to regulate the handling of milk, and authorizes the Secretary of Agriculture to call hearings whenever he has reason to believe that the amendment of an order will tend to effectuate the declared policy of this act. In simple terms, as applied to milk, the declared policy of the act is to establish and maintain such orderly marketing conditions for milk in interstate commerce as will establish prices for milk at a level which will give that milk a purchasing power with respect to articles that farmers buy equivalent to its purchasing power in a prescribed base period, after taking into account the available supplies of feed, the prices of feed, and other economic conditions affecting the demand for and the supply of milk.

In response to the petition received, the Secretary of Agriculture has issued notice of a public hearing to be held at the Coronado Hotel, Spring and Lindell Avenue, St. Louis, Missouri, on September 8, at 9:30 a.m., c. s. t.

At the above time and place opportunity will be given for interested parties to present evidence relative to each and every amendment proposal set forth below. It is suggested that each interested party who so desires carefully present all facts which he feels the Secretary of Agriculture should have in the record of the public hearing upon which to base a decision (1) as to whether or not the order should be amended in the manner proposed, and (2) if the order is to be amended, what amendments should be made. The best interests of a proponent, or of an opponent, of the proposals will best be served by concise presentation of the relevant facts in his possession, reserving his arguments for filing in written form at the close of the hearing session.

If upon the facts in the record the Secretary of Agriculture decides that he should amend the order, the content of the amendment, based upon the facts in the record, will then be made known to producers and their approval or disapproval determined as to whether the amendment shall become effective. The content of the amendment would be the same as that incorporated in an amended marketing agreement which handlers would be given opportunity to sign.

The publication of the proposed amendments in this form is for the convenience of interested parties and is not to be considered as in any way signifying their approval or disapproval by the Secretary of Agriculture.

Amendments Proposed by the Sanitary Milk Producers' Association,
the Market Administrator in St. Louis, and the Dairy Division,
United States Department of Agriculture, Washington, D. C.

1. Amend Sec. 903.1(a)(3) by inserting after the words "East St. Louis" the words "Scott Field Military Reservation."

2. Delete Sec. 903.3(b)(1) and (2) and insert in place thereof the following:

(1) Class I milk shall be all milk disposed of in the form of milk containing not less than one-half of 1 percent of butterfat and all other milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk specifically accounted for as being used or disposed of in any form other than as milk containing not less than one-half of 1 percent of butterfat.

3. Amend Sec. 903.3(c) by adding at the end thereof the following:

This paragraph shall not be construed to prevent the classification as Class II milk of the total quantity of any milk purchased by a handler from another handler provided such total quantity is actually used as Class II milk.

4. Delete Sec. 903.4(a)(1) and insert in place thereof the following:

Sec. 903.4(a)(1) In the case of milk received at such handler's plant located in the marketing area the prices being paid for milk containing 3.5 percent butterfat at plants in the St. Louis milkshed manufacturing evaporated milk placed in hermetically sealed containers for each delivery period, plus \$1.14 per hundredweight from July through November, \$1.04 per hundredweight from December through February, and 94 cents per hundredweight from March through June, each year.

5. Delete Sec. 903.4(b)(1) and in place thereof insert the following:

Sec. 903.4(b)(1) In the case of milk received at such handler's plant located in the marketing area the prices being paid for milk containing 3.5 percent butterfat at plants in the St. Louis milkshed manufacturing evaporated milk placed in hermetically sealed containers, for each delivery period, plus 19 cents per hundredweight from December through June, and 29 cents per hundredweight from July through November each year.

6. Reconsideration of Sec. 903.4(b)(3) which reads as follows:

(3) In the case of milk used by the handler for evaporated milk in hermetically sealed containers or disposed of by the handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, the price shall be that determined by the market administrator in accordance with the formula set forth in section 1 or article VI of the Marketing Agreement and License for the Evaporated Milk Industry, issued by the Secretary May 31, 1935.

7. Delete Sec. 903.4(c) and in place thereof insert the following:

(c) Sales outside the marketing area. (1) The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section and except as provided in subparagraph (2) of this paragraph, shall be the price, as ascertained by the market administrator, which is being paid for milk of equivalent use in the market where such milk is disposed of: Provided, That such Class I price, as ascertained by the market administrator shall not be lower than the Class I price as set forth in Sec. 903.4(a)(1) minus 20 cents.

(2) The price to be paid by a handler for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided for in subparagraph (1) of this paragraph, including Class I milk disposed of to Government institutions and establishments on a basis of bids, shall be the price for Class I milk set forth in Sec. 903.4(a)(1) applicable for the plant at which such milk is received from producers.

8. Revision of the butterfat differential set forth in Sec. 903.8(c).

9. Amendment of all other sections of Order No. 3, as amended, inconsistent with the above-proposed amendments.